

Docket # 1998-16A

FULLY EXECUTED

AGREEMENT NUMBER 98-T1652	AMENDMENT NUMBER 1
REGISTRATION NUMBER	

SFUND RECORDS CTR  
2075972

1. This Agreement is entered into between the State Agency and the Contractor named below

STATE AGENCY'S NAME

Department of Toxic Substances Control

CONTRACTOR'S NAME

U.S. Environmental Protection Agency (Superfund)

2. The term of this

Agreement is: August 31, 1998 through August 31, 2010

3. The maximum amount

\$389,100.00

of this Agreement is:

Increase by \$240,000.00.

4. The parties agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

INCREASE dollar amount by \$240,000.00 from an original amount not to exceed \$149,100.00 to an amended amount not to exceed \$389,100.00.

ADD amended language identified as State Superfund Contract, Amendment 1, two pages, and by this reference made a part hereof.

All other terms and conditions shall remain the same.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

<b>CONTRACTOR</b>		<b>CALIFORNIA Department of General Services Use Only</b>	
CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.) U.S. Environmental Protection Agency (Superfund)		DPR	
BY (Authorized Signature) See attached for official signature.	DATE SIGNED (Do not type)		
PRINTED NAME AND TITLE OF PERSON SIGNING Keith Takata Director		<div>APPROVED JUN 29 2004 DEPT OF GENERAL SERVICES</div>	
ADDRESS Superfund Division 75 Hawthorne Street, SFD-1 San Francisco, CA 94105			
<b>STATE OF CALIFORNIA</b>			
AGENCY NAME Department of Toxic Substances Control			
BY (Authorized Signature) See attached for official signature.	DATE SIGNED (Do not type)		
PRINTED NAME AND TITLE OF PERSON SIGNING Sandra Poindexter Chief, Business Services		See attached for official signature.	
ADDRESS P.O. Box 806 Sacramento, CA 95812-0806			
		<input type="checkbox"/> Exempt Per _____	

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**STATE SUPERFUND CONTRACT AMENDMENT # 1**  
**MODESTO GROUNDWATER CONTAMINATION SUPERFUND SITE**

This State Superfund Contract Amendment # 1 amends the State Superfund Contract signed by the Environmental Protection Agency and the California Department of Toxic Substances Control which was approved by the California Department of General Services on September 28, 1998.

The State Superfund Contract shall be amended as noted below.

Section 16(B)(i) which states:

“The State assures payment of its cost share obligation for actual interim remedial action costs at the Site, which shall be settled at reconciliation pursuant to paragraph 32 below, and which shall not exceed \$149,100 for construction and the first year of operation.”

shall be deleted and replaced by the following:

“The State assures payment of its cost share obligation for actual interim remedial action costs and operation and maintenance costs at the Site, which shall be settled at reconciliation pursuant to paragraph 32 below, and which shall not exceed \$240,000.”

Section 32(A) which states:

“Within two years following completion of construction required in the SOW,”


shall be deleted and replaced by the following:

“Within five years following completion of construction required in the SOW,”

For the purpose of this Amendment # 1, EPA shall invoice the State ten percent of the operation and maintenance costs for the soil vapor extraction system until such time as issues regarding the “operational and functional” status of the interim remedial action are resolved pursuant to Section 29 of the Contract. If EPA and the State determine pursuant to Section 29 that all or a portion of the operation and maintenance costs for the soil vapor extraction system should have been invoiced at a 100% rate pursuant to the Contract, then EPA will submit and the State shall pay an invoice for that amount. All other terms and conditions shall remain unchanged.

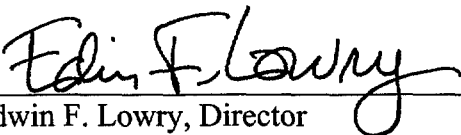
In witness whereof, the parties hereto have executed this Amendment # 1 in five (5) copies, each of which shall be deemed an original.

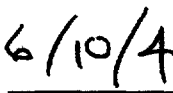
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

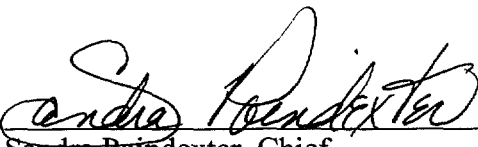
  
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Keith Takata, Director  
Hazardous Waste Management Division  
U.S. Environmental Protection Agency, Region IX

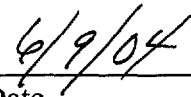
  
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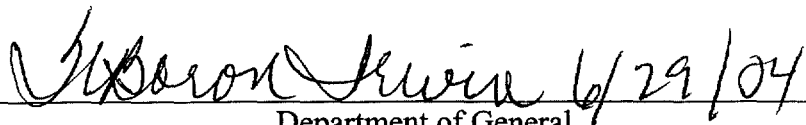
**STATE OF CALIFORNIA**

  
\_\_\_\_\_  
Edwin F. Lowry, Director  
Department of Toxic Substances Control  
California Environmental Protection Agency

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Sandra Poindexter, Chief  
Office of Business Services  
Department of Toxic Substances Control  
California Environmental Protection Agency

  
\_\_\_\_\_  
Date

  
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Department of General  
Services Use Only